

# Filing A Petition For Dismissal Of Charges After Conviction



## Eligibility

You may be able to petition the court for a dismissal of your case in certain instances. If you have successfully completed all the terms of probation stated in your case, please read on to determine if you qualify to have your conviction withdrawn and dismissed.

### Statutes

The following are requirements of Penal Code Section 1203.4 or 1203.4a:

PC1203.4 - Defendant has been discharged from probation, AND:

Defendant is not now serving a sentence for any offense, AND

Defendant is not now on probation for any offense, AND

Defendant is not now charged with committing any offense.

PC1203.4a - If probation was not granted, and more than one (1) year has elapsed since the date of sentencing, Defendant may be eligible for dismissal if:

Defendant has fully complied with and performed the sentence of the court, AND

Defendant is not now serving a sentence for any offense, AND

Defendant is not now charged with committing any offense.

### Ineligible Violations

Pursuant to PC1203.4(b), defendants are ineligible to seek relief under PC1203.4/PC1203.4a for convictions of violating any of the following sections:

- ▶ VC2800                      ▶ VC2803                      ▶ PC286(c)
- ▶ PC288a(c)                ▶ PC289(j)                   ▶ VC2801
- ▶ PC288                    ▶ PC288.5
- ▶ Any Infraction Violation

### Case Status

The case must be an ADJUDICATED MATTER. This means that the defendant has either entered a plea of guilty or no contest, or a guilty verdict was entered, and the defendant was sentenced. The following case dispositions are not eligible for relief:

The charge(s) were dismissed upon completion of PC1000 diversion.

Bail was forfeited and a plea was never entered.

The case has previously been dismissed.

# Application

## Location For San Bernardino County Superior Court Filings

The petition for relief must be filed in the district in which the matter was adjudicated.

## Form

Court policy requires the filing of the “Petition and Order for Expungement (Pen. Code, §§ 17, 1203.4, 1203.4a)” for all applications for dismissal. Multiple case numbers for the same defendant must be placed on a separate petition with an administrative fee per petition filed.

## Administrative Fee

You may be required to reimburse the Court an Administrative fee for the costs incurred in processing each petition. Indigent defendants may apply for a fee waiver by filing the “Application For Waiver Of Court Fees And Costs” and an “Order On Application For Waiver Of Court Fees And Costs”. Forms can be obtained from the clerk’s office or on the internet at [www.sbcounty.gov/courts](http://www.sbcounty.gov/courts).

## Notice to the Prosecuting Agency

Pursuant to PC1203.4(d), the appropriate prosecuting agency must be given fifteen (15) calendar days notice of the filing of the petition to allow time for the filing of an optional objection to the petition. Petitions filed must be served on the prosecuting agency.

## Records Check

The information provided in the petition will be verified by a records check performed by the Probation Department or Clerk’s Office staff.

## Processing Time

The processing of the petition may take approximately 4-8 weeks from the date the petition is filed.

# Granting Of The Petition

The relief granted by PC1203.4 or PC1203.4a does NOT seal, destroy, or remove any entries from the court, law enforcement or Department of Justice records. This is a dismissal of the charge(s) and conviction(s). Upon the granting of the petition, a notation will be entered on the record that relief was granted pursuant to this statute. The Department of Motor Vehicles shall still consider the conviction for purposes of revocation or suspension of the driving privilege pursuant to Vehicle Code Section 13555.

## Records 10 Years Or Older

Since Government Code Section 68152 allows that court records be destroyed after ten (10) years, the court may not be able to process a petition filed more than ten years after a case has been adjudicated, unless documentation of the appropriate court records can be provided. The following documentation is acceptable:

- Certified copies of the complaint, conviction, and clerk's minutes in the case.
- A Department of Justice abstract of the defendant's criminal history, which may be obtained by contacting:

Department of Justice  
Records Review Unit  
P.O. Box 903417  
Sacramento, CA 94206-4170  
(800) 952-5225  
<http://caag.state.ca.us>

## Petition and Order Form

[Petition and Order for Expungement \(Pen. Code, §§ 17, 1203.4, 1203.4a\) \(fillable\)](#)

### Court Locations

Barstow District  
235 East Mountain View Avenue  
Barstow, CA 92311  
(760) 256-4758

Big Bear District  
P.O. Box 2806  
477 Summit Boulevard  
Big Bear Lake, CA 92315  
(909) 866-0150

Chino District  
13260 Central Avenue  
Chino, CA 91710  
(909) 356-5337

Fontana District  
17780 Arrow Boulevard  
Fontana, CA 92335  
(909) 350-9322

Joshua Tree District  
6527 White Feather Road  
Joshua Tree, CA 92252  
(760) 366-5775

Needles District  
1111 Bailey Street  
Needles, CA 92363  
(760) 326-9245

Rancho Cucamonga District  
8303 North Haven Avenue  
Rancho Cucamonga, CA 91730  
(909) 350-9764

San Bernardino District - Criminal  
351 North Arrowhead Avenue  
San Bernardino, CA 92415  
(909) 384-1888

Victorville District  
14455 Civic Drive  
Victorville, CA 92392  
(760) 245-6215

**Website: [www.sbcounty.gov/courts](http://www.sbcounty.gov/courts)**